

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

To: see form PCT/ISA/220		Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)
Applicant's or agent's file reference see form PCT/ISA/220		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/EP2005/000113	International filing date (day/month/year) 06.01.2005	Priority date (day/month/year) 13.01.2004
International Patent Classification (IPC) or both national classification and IPC E21B33/035, E21B34/04, F16K31/04		
Applicant DRESSER ITALIA S.R.L.		

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the International application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for International preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Georgescu, M Telephone No. +49 89 2399-7502	
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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

JAP20 Rec'd PCT/PTO 13 JUL 2006

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nuucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material:
 - in written format
 - in computer readable form
 - c. time of filing/furnishing:
 - contained in the international application as filed.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. II Priority

1. The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43bis.1 and 64.1) is the claimed priority date.
2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

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Box No. IV Lack of unity of invention

1. In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has:
 - paid additional fees.
 - paid additional fees under protest.
 - not paid additional fees.
2. This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is:
 - complied with
 - not complied with for the following reasons:

see separate sheet
4. Consequently, this report has been established in respect of the following parts of the international application:
 - all parts.
 - the parts relating to claims Nos.

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
Industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	4-10
	No: Claims	1-3
Inventive step (IS)	Yes: Claims	4-10
	No: Claims	1-3
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations

see separate sheet

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Reference is made to the following documents:

D1: GB 2 198 766

D2: US 5 166 677

IV - Lack of unity of invention

IV-1 A posteriori, the application appears to comprise three inventions: 1) claims 4 and 10, 2) claims 5 to 7 and 3) claims 8 and 9. The three inventions do not unite through a single inventive concept as they comprise different special technical features and also solve different technical problems without implying any interaction. Therefore, the three groups of claims cannot be part of the same application as independent claims.

V - Reasoned statement with regard to novelty, inventive step or industrial applicability**V-1 Claim 1**

D1, which is considered as the closest prior art, describes an electronic control system (fig.7) for a submarine actuator (page 1, lines 1-2), said actuator comprising a container body (fig.1) from which a drive shaft (16) projects that is suitable for inserting in a seat of said submarine device (page 4, lines 4-5 and page 6, lines 3-4), wherein said system comprises an electronic control board (page 15, lines 21-22) for at least one electric motor (page 12, lines 23-24), arranged inside said container body (fig.2) suitable for moving said drive shaft (page 5, penultimate line to page 6, line 3), said electronic board being suitable for receiving an electrical control signal for said actuator, generated by a remote control station (page 12, lines 15-17).

The subject-matter of claim 1 is therefore not new and the claim does not meet the novelty requirement of Art. 33(2)PCT.

V-2 Claims 2 and 3

The features of claims 2 and 3 are explicitly or implicitly disclosed by D1 (transducer - page 14, lines 12-16; power supply - page 15, last four lines; the pilot circuit and the programmable logic circuit are implicit features - PCT/GL/ISPE 1 12.01).

Therefore, claims 2 and 3 do not meet the requirement for novelty of Art. 33(2) PCT.

V-3 Claim 4 and 10

The feature of claim 4 does not appear to be disclosed by D1 or suggested by any other prior art document. D1 discloses the presence of two motors, one electric motor and one failsafe constant torque spring motor (page 5, lines 12-13). As the spring motor compensates the electric motor in the case of a power failure, the skilled man would not find obvious to replace it with a second electric motor. Therefore, claims 4 and 10 meet the requirement for inventive step of Art. 33(3) PCT.

V-4 Claim 5 to 9

The specific configuration of the electronic board is not disclosed or suggested by the prior art documents and the skilled man would not have any incentive to arrive at the subject-matter of claim 5.

Also claims 8 and 9 comprise features not obvious for the skilled man starting from the prior art documents.

Therefore, claims 5 to 9 meet the requirement for inventive step of Art. 33(3) PCT.

VII - Certain defects

VII-1 The independent claims are not properly cast in the two part form, with those features which in combination are part of the closest prior art (D1) being placed in the preamble, contrary to the requirements of Rule 6.3(b) PCT.

VII-2 The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

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VII-3 Contrary to the requirements of Rule 5.1(a)(ii)PCT, the relevant background art disclosed in documents D1, D2 is not mentioned in the description, nor are these documents identified therein.